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9 JERRY NEHL BOYLAN

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 UNITED STATES OF AMERICA,

Case No. 22-cr-00482-GW

14 Plaintiff,

**EX PARTE APPLICATION TO
DISCLOSE SEALED TRANSCRIPTS
TO COUNSEL**

15 v.

16 JERRY NEHL BOYLAN,

17 Defendant.

18
19 Defendant Jerry Nehl Boylan, through his attorneys of record, Deputy Federal
20 Public Defenders Gabriela Rivera, Julia Deixler, and Joshua D. Weiss, hereby files this
21 *ex parte* application requesting that the sealed transcripts for the hearings held on

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1 October 12, 2023 (Dkt No. 230), October 23, 2023 (Dkt. No. 272), and October 25,
2 2023 (Dkt. No. 287) be disclosed to counsels for Jerry Nehl Boylan and the United
3 States of America.

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5 DATED: May 23, 2024

6 Respectfully submitted,

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DECLARATION OF JULIA DEIXLER

I, Julia Deixler, declare under penalty of perjury that to the best of my knowledge this is true:

1. I am an attorney with the Office of the Federal Public Defender for the Central District of California. I, along with my co-counsel, have been appointed to represent Defendant Jerry Boylan in this matter.

2. A notice of appeal was filed on behalf of Mr. Boylan in this matter on May 14, 2024 (Dkt. No. 445).

3. The transcript and designation order form and accompanying vouchers for all transcripts have been filed. The proceedings held on October 12, 2023 (Dkt No. 230), October 23, 2023 (Dkt. No. 272), and October 25, 2023 (Dkt. No. 287) were under seal.

4. The under seal proceedings on October 12, 2023 related to Government's Motion in *Limine* No. 3 to Confirm Admissibility of Evidence Proving Defendant's Gross Negligence Regarding His Passengers' and Crewmembers' Safety, which was filed under seal.

5. The under seal proceedings on October 23, 2023 and October 25, 2023 both related to witness Ryan Sims's motion to intervene to compel the return of a transcript that Mr. Sims asserted was covered by the attorney-client privilege and/or attorney work product privilege.

6. Because these three transcripts were ordered sealed by the Court, they cannot be provided to defense counsel or government counsel absent further order from this Court.

7. Appellate counsel on behalf of Mr. Boylan will need the transcript to complete a review of the record and assess any potential issues for the appeal in this matter. I therefore request that the Court order the transcript be made available to defense counsel and government counsel so that counsel can review it for purposes of Mr. Boylan's appeal.

1 8. Based on the subject of the proceedings I believe that the original purpose
2 for the sealing remains. I therefore request that the Court order the transcripts be made
3 available to defense counsel and government counsel only, but that the transcripts
4 otherwise remain under seal.

5 9. On May 21, 2024, I emailed Gretchen Nelson and Cory Itkin, counsel for
6 movants at the October 23 and October 25 proceedings. On May 23, 2024, Mr. Itkin
7 stated that they oppose the *ex parte* application.

8 10. On May 22, 2024, I contacted government counsel by email regarding this
9 *ex parte* application. AUSA Mark Williams stated that the government does not
10 oppose the *ex parte* application.

11 I declare under penalty of perjury under the laws of the United States of America
12 that the foregoing is true and correct.

14 Executed on May 23, 2024 at Los Angeles, California.

15 /s/ Julia Deixler .
16 JULIA DEIXLER

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